

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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David Thames on behalf of himself	:	
and classes of those similarly	:	
situated, and Fabiola Adonis, Akash	:	
Ahmed, Augstin Alvarez, James	:	
Anderson, Kenneth Bird, Saleha	:	
Biswas, Annabelle Boose, Chris	:	
Bradshaw, Santrese Brower-Haynes,	:	
Paul Brown, Jeffrey Coleman,	:	
Tammie Cromartie, Noel Reyes	:	
Contreras, Antionette Davis, Patricia	:	
Deline, Jasmin Diaz, Hakan Duzel,	:	
Alfonso Esquivel, Vilma Flamenco,	:	
Taga Fahim, Salvatore Grande, Akes	:	Case No. 1:07-cv-06836-WHP
Handy, Kim Harley, Roger Hillaire,	:	
Luke Hopkins, Suzette Johnson,	:	
David Latimer, Doris Laya Calle,	:	Affirmation of John M. Conlon in Support
Lisa Muse, Roudy Noel, Nathan	:	of Defendant's Motion to Stay Proceedings
Ouderkirk, Denise Pokrentowski, Iris	:	Pending a Decision by the Judicial Panel
Rivera, Awilda Rosario, Joeann	:	for Multidistrict Litigation
Starling, Judith Sutherland, Sherron	:	
Thomas, Leon Tucker, Marcus	:	
Vaughn, and Denise Williams	:	
collectively,	:	
	:	
Plaintiffs,	:	
	:	
vs.	:	
	:	
KFC Corporation,	:	
	:	
Defendant.	:	
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STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

JOHN M. CONLON, affirms, under penalty of perjury, as follows:

1. I am an attorney at the firm of Mayer, Brown, Rowe & Maw LLP, counsel to Defendant KFC Corporation, and respectfully submit this affirmation in support of the motion to stay all proceedings in this action pending a transfer decision by the Judicial Panel on Multidistrict Litigation (“the Panel”), pursuant to U.S.C.A. § 1407.

2. This action was filed on July 30, 2007, and is one of 28 actions alleging that KFC had violated the Fair Labor Standards Act (“FLSA”), 29 U.S.C. § 201 *et seq.*, by failing to pay overtime to Assistant Unit Managers (“AUMs”) at its restaurants. All 28 actions were brought by the same Plaintiffs’ counsel, allege the same FLSA violations, and allege virtually identical questions of law and fact.

3. The Plaintiffs in this action were part of a group of KFC AUMs who commenced a nationwide putative collective action in the United States District Court for the District of Minnesota in 2005. Parler v. KFC Corp., Civ. No. 05-2198-PJS-JJG, D. Minn. The Parler action was decertified on Plaintiffs’ request.

4. KFC filed a motion before the Judicial Panel on Multidistrict Litigation (“the Panel”) on August 21, 2007, asking the Panel to transfer all 28 pending cases to the United States District Court for the District of Minnesota to coordinate pre-trial proceedings. The District of Minnesota is the only district where more than one action is pending and the court there has presided over the original Parler action.

5. It is anticipated that the Defendant’s Motion for Transfer of Actions will be considered by the Multidistrict Panel no later than November, 2007.

6. This Court should stay all proceedings in this action pending a decision by the Panel. A stay would save both KFC and Plaintiffs the hardship of litigating the identical

estoppel issue in multiple jurisdictions, litigating other identical legal issues in multiple jurisdictions, and conducting virtually identical discovery in multiple jurisdictions. Moreover, a stay would conserve judicial resources because it would avoid requiring this Court to spend its time and energy becoming familiar with the facts, procedural history and claims that the transferee court may consider, and eliminate duplicative hearings and motions.

7. National counsel to the Plaintiffs has advised counsel that Plaintiffs do not consent to the requested stay.

8. KFC is filing similar stay motions in all of the cases it is asking to be transferred for pretrial proceedings under 28 U.S.C. § 1407.

9. Attached as Exhibit A is a copy of the Parler Order, dated June 4, 2007.

10. Attached as Exhibit B is the Parler Report and Recommendation, dated January 22, 2007.

11. Attached as Exhibit C is the KFC Motion and Memorandum for an Order Denying Certification of a Class or Collective Action and Dismissing Plaintiffs, dated July 20, 2007.

12. Attached as Exhibit D is the KFC Motion and Memorandum for an Order Declaring That Plaintiffs Have Waived Their Right to Arbitrate and Enjoining Plaintiffs from Pursuing Arbitration, dated June 28, 2007.

13. Attached as Exhibit E is the Notice of Hearing, dated July 20, 2007.

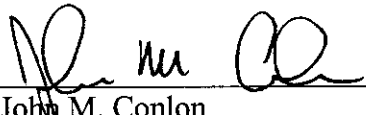
14. Attached as Exhibit F is the Notice of Hearing, dated June 29, 2007.

15. Attached as Exhibit G is the KFC MDL Motion and Memorandum for Transfer of Actions to the District of Minnesota Pursuant to 28 U.S.C. § 1407 for Coordinated Pretrial Proceedings, dated August 21, 2007.

16. Attached as Exhibit H is a copy of the article by John F. Nangle, From the Horse's Mouth: The Workings of the Judicial Panel on Multidistrict Litigation, 66 Def. Counsel J. 341 (1999).

For the reasons set forth above, and as explained in Defendant's Memorandum, this Court is respectfully requested to stay all deadlines and proceedings in this matter until the Panel decides whether to consolidate and transfer this matter to a single district for coordinated pretrial proceedings.

Dated: August 24, 2007
New York, New York



John M. Conlon